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TRANSMITTAL FORM

(to be used for all correspondence during pendency of filed application)

		Application Number	10/726,803
		Filing Date	December 2, 2003
		First Named Inventor	Thomas J. Maginot
		Group Art Unit Number	3738
		Examiner Name	Paul B. Prebilic
Total Number of Pages in This Submission	7	Attorney Docket Number	22220-08626

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Check Enclosed	<input type="checkbox"/> Letter to Chief Draftsperson
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<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> [] Sheet(s) of Figure(s) []
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A	<input checked="" type="checkbox"/> Petition Under 37 CFR §1.78 to Claim Benefit Under 35 U.S.C. §120 of Prior Application (in duplicate)
<input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/>
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/>
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<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:	<i>A. C. Smith</i>	
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated: 6/21/05

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	<i>A. C. Smith</i>	
Typed or Printed Name:	Albert C. Smith	Dated: 6/21/05
Express Mail Mailing Number (optional):		



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas J. Maginot
APPLICATION NO.: 10/726,803
FILING DATE: December 2, 2003
TITLE: Bypass Grafting Method
EXAMINER: Paul B. Prebilic
GROUP ART UNIT: 3738
ATTY. DKT. NO.: 22220-08626

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 6/21/05 By: A. C. Smith
Albert C. Smith, Reg. No.: 20,355

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**PETITION UNDER 37 CFR §1.78 TO CLAIM BENEFIT UNDER
35 U.S.C. §120 OF PRIOR APPLICATION**

Sir:

Applicant hereby petitions in accordance with the provisions of 37 CFR §1.78(a)(3) to claim the benefit for this application under 35 U.S.C. §120 of the prior copending non-provisional application Ser. No. 09/903,831 filed on July 11, 2001 which duly claims the benefit of application Ser. No. 09/475,789 filed on December 30, 1999.

Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under 37 C.F.R. §1.78(a)(2)(ii) and the date this claim is filed was unintentional.

A check in payment of the surcharge set forth under 37 C.F.R. §1.17(t) is enclosed herewith. The Commissioner is hereby authorized to charge any required additional fee or credit any overpayment regarding this Petition to Deposit Account 19-2555. A duplicate copy of this authorization is enclosed.

Respectfully submitted,
THOMAS J. MAGINOT

Dated: 6/21/05

By: Albert C. Smith

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